IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL REV.APPLICATION NO.273 OF 2004

Hashmiya Sayyeed Rasool Soudagar, .. Applicant

Vs

M/s Kasturi Sales & Anr. .. Respondent

Mr.Atul P. Vanarse, for the applicant.

Mr.Suchit Mundada, for respondent no.1.

Mrs S.R.Kumbhat, APP for the State.

CORAM : D.B.BHOSALE,J.

DATE : 24th AUGUST, 2004.

PC:

1. Heard the learned counsel for the parties.

2. This revision is directed against the order dated 10.4.2003, convicting the applicant for the offence punishable under section 138 of the Negotiable Instruments Act, rendered by JMFC, Court No.1, Pune, in Criminal Case No.982 of 2001 and affirmed by the learned Addl.Sessions Judge by his judgment and order dated 5.7.2004 in Criminal Appeal No.140 of 2003. The applicant was sentenced to suffer S.I.for three months and to pay fine of Rs.5000/-.

2. Heard the learned counsel for the parties. They

have tendered an affidavit duly signed by complainant Mr.Jayanti Umedmal Ranka, stating that he has received the amount due against the questioned cheque and that he may be allowed either to withdraw the complaint or to compound the offence. The affidavit is taken on record and marked "X" for identification. In view thereof and considering the provisions of section 147 of the Negotiable Instruments Act, parties are allowed to compound the offence in terms of the affidavit duly signed by the complainant on 21.7.2004. In the result, the impugned judgments and orders passed by the Courts below render ineffective. This revision application is disposed of.

. Certified copy expedited.

(D.B.BHOSALE, J.)